

HOFLAND & TOMSHECK

Jason F. Carr, Esq.
State Bar of Nevada No. 006587
228 South 4th Street, 1st Floor
Las Vegas, Nevada 89101
Telephone: (702) 895-6760
Facsimile: (702) 731-6910

Attorney for Defendant Mark Lewis

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

vs.

MARK W. LEWIS,

Defendant.

Case No.: 2:22-cr-00016-RFB-EJY

**STIPULATION AND ORDER TO
CONTINUE REVOCATION HEARING
(THIRD REQUEST)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, and Assistant United States Attorney Daniel J. Cowhig, counsel for the United States of America, and Jason F. Carr, Esq., CJA counsel for Defendant MARK LEWIS, that the revocation hearing currently scheduled for June 11, 2024 at 10:45 a.m. be continued to a date and time convenient to the Court, but not less than sixty-days.

This Stipulation is entered into for the following reasons:

1. This is the third request to continue the revocation hearing.
2. That this case is trailing behind the new felon-in-possession case, 24-041, where the parties recently stipulated to continue the change of plea proceeding to allow for further inquiry into the impact of the United States Court of Appeals for the Ninth Circuit decision in *United States v. Duarte*, CA No. 22-50048, 2024 WL 2068016 (9th Cir. May 9, 2024).

3. That the resolution of this matter is tied into the resolution of the pending federal charges in 24-041 as the parties are striving to reach a global agreement.
4. That defense counsel has advised defendant Mark Lewis of the need to move the revocation hearing. Mr. Lewis does not object to moving the hearing date.
5. That continuing the hearing will give the parties an opportunity to promptly resolve both cases thereby conserving judicial resources.
6. That because the instant matter involves a hearing to potentially revoke a term of supervised release, the Speedy Trial Act does not apply.
7. For the above stated reasons, a continuance of the revocation proceeding is appropriate.

DATED this 3rd day of June, 2024.

Respectfully submitted,

HOFLAND & TOMSHECK

JASON M. FRIERSON
United States Attorney

/s/ Jason F. Carr
JASON F. CARR, ESQ.
Counsel for Defendant
Mark Lewis

/s/ Daniel J. Cowhig
DANIEL J. COWHIG
Assistant United States Attorney

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FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA

Case No.: 2:22-cr-00016-RFB-EJY

Plaintiff,

vs.

MARK LEWIS,

Defendant.

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. This is the third request to continue the revocation hearing.
2. That this case is trailing behind the new felon-in-possession case, 24-041, where the parties recently stipulated to continue the change of plea proceeding to allow for further inquiry into the impact of the United States Court of Appeals for the Ninth Circuit decision in *United States v. Duarte*, CA No. 22-50048, 2024 WL 2068016 (9th Cir. May 9, 2024).
3. That the resolution of this matter is tied into the resolution of the pending federal charges in 24-041 as the parties are striving to reach a global agreement.
4. That defense counsel has advised defendant Mark Lewis of the need to move the revocation hearing. Mr. Lewis does not object to moving the hearing date.

- 1 5. That continuing the hearing will give the parties an opportunity to promptly
- 2 resolve both cases thereby conserving judicial resources.
- 3 6. That because the instant matter involves a hearing to potentially revoke a term of
- 4 supervised release, the Speedy Trial Act does not apply.
- 5 7. For the above stated reasons, a continuance of the revocation proceeding is
- 6 appropriate.

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8 **ORDER**

9 Based on the foregoing Findings of Fact and for good cause shown IT IS HEREBY
10 ORDERED, that the Supervised Release Revocation Hearing currently scheduled for June
11 11, 2024 at 10:45 a.m. be continued to **September 16, 2024 at 9:15 a.m..**

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13 DATED this 4th day of June, 2024.

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UNITED STATES DISTRICT JUDGE